

**REMARKS**

**I. Status of the Application**

By the present Reply, the Applicants are amending claim 6 to correct an improper dependency. No new matter is added. Claims 1-3, 5-10, 12-23, 25-35, and 37-40 are all the claims currently pending in the application. Claims 1-3, 5-7, 22, 23, 25-35, 37, and 39-40 have been rejected. Claims 8-10, 12-21, and 38 have been withdrawn. The present Reply addresses each point of rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

**II. Claim Rejections Under 35 U.S.C. § 103(a)**

Claims 1-3, 5-7, 22, 23, 25-35, 37, and 39-40 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,334,110 to Walter et al. (hereinafter "Walter") in view of U.S. Patent No. 5,974,396 to Anderson et al. (hereinafter "Anderson"). The Applicants respectfully traverse this ground of rejection.

Independent claim 1 recites a market analysis system comprising a software program to, *inter alia*:

categorize products and services from the aggregate transaction data into a plurality of standard pricing groups according to configuration information received at the market analysis system from one or more suppliers that participate in the electronic exchange, wherein the configuration information includes standard pricing group attributes, wherein the standard pricing group attributes include a value corresponding to a delivery term, a locale, a product, a service, a customer type, a time scale, or a sales channel.

In rejecting claim 1, the Examiner maintains that Walter discloses the recited claim feature at col. 6, lines 11-45 and col. 5, lines 1-40. The Applicants respectfully disagree.

Walter discloses a system and method for temporally analyzing customer transactions and interactions.<sup>1</sup> Walter analyzes customer behaviors based on the time when those behaviors occur.<sup>2</sup> In particular, Walter captures information about customer interactions and transactions over time, classifies customers into one or more clusters based on their time-based interactions and transactions, and uses this classification to perform selected target marketing or cross-selling.<sup>3</sup>

FIG. 3 of Walter shows a flowchart of the steps in the method. Sources of information about customer interactions and transactions are temporally tagged in step 310.<sup>4</sup> The temporally tagged information is used to create a temporal profile for each customer in step 320.<sup>5</sup> An example of a customer's temporal profile is shown in FIG. 5. In step 324, temporal profiles of multiple customers are weighted and matched to find other customers who have similar temporal browsing and buying behaviors.<sup>6</sup> For example, based on the temporally tagged information about a customer (Willard) in Table 1, Willard is considered to fit into several profiles or clusters (new fathers and people who are sports-oriented).<sup>7</sup> A matching/clustering algorithm is then performed to determine if

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<sup>1</sup> Col. 1, lines 34-37.

<sup>2</sup> Col. 1, lines 37-39.

<sup>3</sup> Col. 1, lines 39-43.

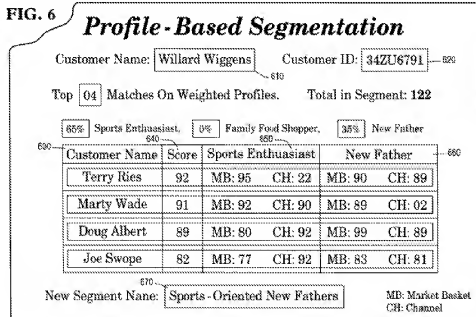
<sup>4</sup> Col. 4, lines 33-34.

<sup>5</sup> Col. 4, lines 34-36 and col. 1, lines 25-30.

<sup>6</sup> Col. 6, lines 12-14.

<sup>7</sup> Col. 6, lines 14-21.

there are other people with similar combinations of browsing and buying behaviors.<sup>8</sup> Such groups of people with like behaviors are called temporal segments (for example, sports-oriented new fathers).<sup>9</sup> An example of this profile-based segmentation is shown in FIG. 6 (reproduced below), in which different customers are given scores that indicate how similar their behavior is to Willard's behavior in the relevant categories (sports enthusiast and new father).<sup>10</sup>



Based on the above description, the Applicants respectfully submit that Walter fails to teach or suggest categorizing products and services from the

<sup>8</sup> Col. 6, lines 23-27.

<sup>9</sup> Col. 6, lines 27-32.

aggregate transaction data into a plurality of standard pricing groups according to configuration information, as recited in claim 1. Instead of categorizing products and services into a plurality of standard pricing groups, Walter categorizes customers into temporal segments. Each temporal segment includes several categories that characterize the interests of customers, such as sports enthusiasts and new fathers. The Applicants respectfully disagree with the Examiner's characterization of the profile-based segmentation as "market segmentation."<sup>11</sup> Instead, as shown in FIG. 6, the profile-based segmentation indicates the degree to which a customer shares interests in different areas (sports enthusiast and new father) with other customers.

Further, the Applicants respectfully submit that Anderson fails to remedy the deficient teachings of Walter, for at least the reasons discussed in the previous Replies dated June 22, 2007, November 6, 2007, April 9, 2008, and June 3, 2009. The Applicants respectfully submit that claim 1 is patentable over Walter and Anderson for at least the reasons discussed above, as well as its additionally recited features. Because independent claims 22 and 31 recite features similar to those discussed above with regard to claim 1, the Applicants respectfully submit that claims 22 and 31 are patentable over Walter and Anderson at least for similar reasons, as well as their additionally recited features. In addition, claims 2, 3, 5-7, 23, 25-30, 32-35, 37, 39, and 40 are patentable over Walter and Anderson at least by virtue of their respective

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<sup>10</sup> Col. 6, lines 33-46.

<sup>11</sup> Office Action, page 8.

dependencies on claims 1, 22, and 31, as well as their additionally recited features.

**III. Conclusion**

If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323, Docket No. 106109.62446US.

Respectfully submitted,

May 5, 2010

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